
HOW TO APPLY FOR A CONDITIONAL USE PERMIT

When is a Conditional Use Permit required?

Approval of a conditional use permit is required before certain uses may be established in the City. The list of uses requiring a conditional use permit varies by zoning district. Check with the Development and Environmental Services Department or refer to the zoning district regulations in the Zoning Ordinance to determine whether your project requires approval of a conditional use permit.

What is its purpose?

The purpose of a use permit is to assure certain uses, as specified in the various zoning districts, are permitted where there is a community need, and the uses occur in maximum harmony with the area and in accordance with city policies and regulations. Conditions which are attached to use permits to ensure harmony may include such things as limits on hours of operation or visual improvements.

What does it cost?

At the time of filing, an initial deposit of \$2,400 is required. The total cost of a conditional use permit will depend on the time required to process the application. Processing costs are billed on a time and material basis. Progress billings will be invoiced during the review of the project if charges exceed the minimum deposit. A refund will be issued at the completion of the project review if excess funds have been paid.

Who approves a Conditional Use Permit?

A conditional use permit is approved by the Planning Commission. Actions of the Planning Commission may be appealed within 10 days to the City Council.

What are the steps?

1. Talk with a Development and Environmental Services Department staff member in the Development Services Center to determine which regulations apply to your proposed use.
2. Submit a completed application form, filing fee and required materials for review to the Development and Environmental Services Department's Development Services Center.
3. When your application is submitted to the Development Services Center staff, an applicant's meeting will be scheduled to meet with your project planner and other necessary staff to go over any issues which may have been found during the review of the project. The project applicant and the engineer who prepared the map are asked to attend this meeting.
4. Copies of your proposal will be referred to affected departments and other agencies for comment.
5. Within 30 days of submittal of your application, the project planner assigned to your project will notify you whether your application is complete or if additional information or revised plans need to be submitted.
6. When your application is deemed complete, the Development and Environmental Services Department will prepare a staff report. A public hearing will be scheduled before the Planning Commission. You will be notified of the date of the hearing.

What materials do I submit?

See Conditional Use Permit Information Sheet for a detailed list of materials and information which must be filed with your application.

How long does the process take?

Once the application is determined to be complete with all requested information submitted, the process takes approximately 6 weeks.

Proposals requiring special environmental studies may require additional time. (NOTE: Estimated processing time **does not** include time needed by the applicant to revise and resubmit plans and studies.)

If an Environmental Impact Report (EIR) is required, the process will take considerably longer. A full EIR may take up to one year for processing. (For details about EIR requirements or other environmental concerns, talk with your project planner.

What is involved in a public hearing?

Ten days prior to the hearing, the applicant and all owners of property within 300 feet of the boundaries of the project will be notified a hearing will be held before the Planning Commission to review the proposed use. The mailing list uses addresses shown on the latest assessor's records. At the hearing the Planning Commission will consider the staff report and hear testimony from the applicant and members of the public. After the public hearing portion of the meeting is concluded, the Commission may conditionally approve the project, deny it, or continue the matter (with the applicant's consent).

May a decision be appealed?

An applicant or anyone else who is dissatisfied with the decision of the Planning Commission may appeal the decision to the City Council. To appeal, a written statement explaining one's objections must be filed with the City Clerk within 10 days after the decision has been made. A public hearing before the City Council will be held in approximately 4 weeks.

What does an appeal cost?

The appeal fee of \$50 must be filed by the appellant along with the written statement of objection(s) of the Planning Commission action. The cost of processing the appeal will be borne by the applicant for the project, whether or not the applicant filed the appeal.

When are hearings held?

The Planning Commission holds public hearings on the 2nd and 4th Thursdays of each month, except during November, December, and January the schedule may vary, at 7:00 p.m. in the City Council Chambers.

Are there any other steps I must go through before I open my business?

If approval is given by the Planning Commission, the project must be submitted to the Development Organization (D.O.) which is located at the Development Services Center for review. The Development Organization will review the project for compliance with the conditions as approved with the conditional use permit. Until all conditions are complied with and documented by the Development Organization as having been completed, the approval by the Planning Commission is considered to be tentative. Once the actual conditional use permit is issued by the Development Organization, the approval is considered to be activated.

The Development Organization (D.O.) provides a "one-stop" coordinated process for the review of projects and building plans which generally result in the issuance of a building permit. The Development Organization consists of staff representatives from Planning, Building, Engineering, and Fire functions. The interdepartmental team reviews each project for compliance with zoning requirements, the General Plan, the State Building and Housing Codes, the Fire Code (including hazardous materials), landscape plans, various Fremont Municipal Codes (such as subdivision grading, street right-of-way and improvement ordinances) and other established development policies.

In addition, any new business or relocated business must apply to the City of Fremont Revenue and Taxation Division for business tax clearance. This is a separate process and the Revenue and Taxation Division must be contacted directly regarding an application.

Can I get more information?

If you need additional information or if you have questions, please call (510) 494-4456.